

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00 – 1898
MDL 1358 (SAS)
M21-88

This Document Relates To:

The Honorable Shira A. Scheindlin

Orange County Water District v. Unocal Corporation, et al.,
Case No. 04 Civ. 4968 (SAS)

**NOTICE OF MOTION AND
BP, ATLANTIC RICHFIELD, AND THE SHELL DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT BASED ON RES JUDICATA**

PLEASE TAKE NOTICE that Atlantic Richfield Company ("ARCO"), BP West Coast Products LLC, and BP Products North America, Inc. (collectively, "BP"), and Shell Oil Company, Equilon Enterprises LLC, and Texaco Refining and Marketing Inc. (the "Shell Defendants"), hereby move for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on Plaintiff Orange County Water District's ("OCWD's") claims in its Third Amended Complaint.

This Motion is made on the grounds that OCWD's claims are barred by the doctrine of *res judicata*, because they are factually and legally indistinguishable from MTBE claims previously asserted by the Orange County District Attorney ("OCDA") in a lawsuit against ARCO and BP, and a separate lawsuit against the Shell Defendants, both of which resulted in the entry of final judgments by the Orange County Superior Court in December 2002 and January 2005, respectively.

This Motion is based upon this Notice, the concurrently filed Memorandum of Law, Defendants' Local Rule 56.1 Statement of Material Facts, Defendants' Request for Judicial Notice, the Declaration of Peter C. Condrón, the Declaration of Lawrence A. Cox, the Declaration of Karen Lyons, the

Declaration of Henry C. Winsor, the Declaration of Erik Alson, and upon the pleadings and papers on file with the Court.

Dated: June 6, 2014

Respectfully submitted,



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